

AO 93 (Rev. 5/85) Search Warrant

United States District Court

DISTRICT OF Delaware

ORIGINAL

In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

[REDACTED]
 Townsend, DE 19734, described more particularly on Attachment A

SEARCH WARRANT

CASE NUMBER: 04-43M-MPT

TO: U.S. Postal Inspector Joseph Fringo and any Authorized Officer of the United States

Affidavit(s) having been made before me by P.I. Joseph Fringo who has reason to believe that ☐ on the person of or ☒ on the premises known as (name, description and/or location)

Affiant

believe that ☐ on the person of or ☒ on the premises known as (name, description and/or location)

[REDACTED] Townsend, DE 19734, described more particularly above

In the District of Delaware there is now concealed a certain person or property, namely (describe the person or property)

see attachment B

FILED

SEP 7 2005

U.S. DISTRICT COURT
DISTRICT OF DELAWARE

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before April 25, 2004 Date

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime — 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to U.S. Magistrate Judge Mary Pat Thyng

as required by law. YOU ARE FURTHER ORDERED AND AUTHORIZED TO COMPLY WITH THE CONDITIONS SET FORTH IN ATTACHMENT C.

Date and Time Issued:

April 15, 2004 10:07 A.M.
 Honorable Mary Pat Thyng
 United States Magistrate Judge

Name and Title of Judicial Officer

at

Wilmington, Delaware
 City and State

Signature of Judicial Officer

AO 93 (Rev. 5/85) Search Warrant

RETURN

DATE WARRANT RECEIVED

4-15-04

DATE AND TIME WARRANT EXECUTED

4-21-04 6:10 PM

COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH

BRYAN LUBERTI

INVENTORY MADE IN THE PRESENCE OF

POSTAL INSPECTOR J. FRINGO, J. DANZ

INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT

SEE ATTACHED

CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by me on the warrant.

Subscribed, sworn to, and returned before me this date.

U.S. Judge or Magistrate

OFFICIAL

4/25/05
Date



THE UNITED STATES POSTAL INSPECTION SERVICE

SEARCH WARRANT INVENTORY

Position/Box.: 1, 2Subject Name: BRYAN LUBERTI Date: 4/21/04Subject Address: [REDACTED] Floor/Room No. B. LUBERTI BEDROOM

Inspector(s): _____ Case No. _____

Safe: _____ Cabinet: _____ Credenza: _____ Desk: _____ Drawer: _____

Shelf: _____ Table: _____ Wall: _____ Other: _____

QUANTITY	DESCRIPTION OF ITEMS
<u>1</u>	<u>APL SHIP DIRECT DOCUMENT</u>
<u>1</u>	<u>ENVELOPE ADDRESSED TO B. LUBERTY, [REDACTED], POSTMARKED STETSON, ME</u>
<u>32</u>	<u>COMPACT DISCS</u>
<u>6</u>	<u>EMAIL CORRESPONDENCES</u>
<u>36</u>	<u>BLANK CDR'S</u>
<u>25</u>	<u>BLANK CDW'S</u>
<u>4</u>	<u>ZIP DRIVES</u>
<u>10</u>	<u>FLOPPY DISKS</u>
<u>1</u>	<u>MISC. PIECE OF PAPER</u>
<u>1</u>	<u>POLAROID DIGITAL 320 CAMERA</u>
<u>10</u>	<u>VHS VIDEOTAPES</u>
<u>1</u>	<u>AMERICAN FEDERAL CREDIT UNION PAPER</u>
<u>1</u>	<u>CHRYSLER FINANCIAL STATEMENT</u>
<u>1</u>	<u>EMAIL</u>
<u>1</u>	<u>FLOPPY DISK</u>
<u>1</u>	<u>ENVELOPE WITH EMAIL ADDRESS</u>
<u>1</u>	<u>VIDEO BOX - "YOUNG GIRLS WHO LOVE GIRLS"</u>
<u>1</u>	<u>(MIKE) - w/10 VIDEOTAPES</u>
<u>1</u>	<u>SURVIVOR SHOE BOX w/9 VHS TAPES, LUBRICANT, BUTT PLUG</u>

DISTRIBUTION OF COPIES: White-U.S. Magistrate (Return with Warrant)
 Yellow-Inspector (Attach to PS Form 714)
 Pink-Subject Searched
 Green-Evidence Control Officer (Attach to PS Form 714)

Page 1 of 2 pages



THE UNITED STATES POSTAL INSPECTION SERVICE

SEARCH WARRANT INVENTORY

Position/Box.: 2 / 2Subject Name: BRYAN WUBERTI Date: 4/21/04Subject Address: [REDACTED] Floor/Room No. B. WUBERTI Bedroom

Inspector(s): _____ Case No. _____

Safe: _____ Cabinet: _____ Credenza: _____ Desk: _____ Drawer: _____

Shelf: _____ Table: _____ Wall: _____ Other: _____

QUANTITY	DESCRIPTION OF ITEMS
<u>1</u>	<u>Box - w/38 VHS TAPES (LEXMARK BOX)</u>
<u>1</u>	<u>BLUE TUB - w-35 VHS VIDEOTAPES</u>
<u>1</u>	<u>MITSUBA COMPUTER TOWER - MODEL # SPX-250C</u>
<u>1</u>	<u>SYSTEMAX TIGER COMPUTER TOWER - SERIAL # 105201509 (BLACK) w/DISK (FLOPPY)</u>
<u>1</u>	<u>COMPAQ PRESARIO COMPUTER TOWER - SERIAL # A732BNG60835</u>
<div style="text-align: center;"> </div>	

DISTRIBUTION OF COPIES: White-U.S. Magistrate (Return with Warrant)
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Page 2 of 2 pages

ATTACHMENT A

The residence is a single family dwelling located on the lane directly across from the curbside mailbox labeled [REDACTED]. The residence is a single story building with light brown/tan vinyl siding, a beige shingle roof and a large television antenna on the roof. The residence is approximately one half mile down the lane on the left side of the street. The lane circles directly around the residence with a driveway entry into a two (2) garage driveway which is located to the right of the residence as you approach. The entry door is located on the left side of the two (2) white garage doors. Located to the right of the two (2) garage doors is a silver motor home. Located in the rear yard of the residence is a large fenced-in dog pen.

these items for searching to a site other than where seized:

- a. All computers, computer hardware, computer software and computer documentation, including but not limited to tapes, cassettes, cartridges, commercial software and manuals, hardware, computer disks, CD-ROMS,

- b. Any devices capable of storing information and/or data in the form of magnetic or electronic coding on computer media or on media capable of being read by a computer or with the aid of computer-related equipment. This media includes floppy diskettes, fixed hard disks, removable hard disk cartridges, tapes, laser disks, video cassettes and other media which is capable of storing magnetic coding, as well as punch cards, and/or paper tapes, and all printouts of stored data.
- c. Any and all electronic devices which are capable of analyzing, creating, displaying, converting or transmitting electronic or magnetic computer peripherals, word processing equipment, modems, monitors, cables, printers, plotters, encryption circuit boards, optical scanners, external hard drivers, external tape backup drives and other computer-related electronic devices.
- d. Any and all instructions or programs stored in the form of electronic or magnetic media, which are capable of being interpreted by a computer, or related components. The items to be seized include operating systems, application software, utility programs, compilers, interpreters and other programs or software used to communicate with computer hardware or peripherals either directly or indirectly via telephone lines, radio or other means of transmission.
- e. Any and all written or printed material which provides instructions or examples concerning the operation of the computer systems, computer software and/or any related device, and sign-on passwords, encryption codes or keys or other information needed to access the computer system and/or software programs.

All of which is (i) property that constitutes evidence of the commission of criminal offenses, (ii) contraband, the fruits of crime, or things criminally possessed, and/or (iii) property designed or intended for use or which is or has been used as the means of committing criminal offenses, that is, violations of Title 18, United States Code, Sections 2252 and 2252A.

ATTACHMENT C

1. The Court finds probable cause to exist that after the delivery of the Express Mail parcel and videotape described more particularly in Attachment B, paragraph 8, to the subject premises, that the items will be taken inside the subject premises. The Court conditions the execution of the search warrant on the prior actual occurrence of those events.
2. With respect to any videotapes and any computer hardware, software, and storage media authorization is hereby granted for the Postal Inspection Service, and other law enforcement officers under its direction, to remove such items from the premises in order for them to be processed off the premises at a later time for a search of the items described on Attachment B.